



Audubon CALIFORNIA

State Policy Office
4225 Hollis Street
Emeryville, CA 94608
Tel. 510-601-1866
Fax 510-601-1954
www.ca.audubon.org

June 13, 2006

California Energy Commission
Dockets Office, MS-4
1516 Ninth Street
Sacramento, CA 95814-5512

DOCKET 06-OII-1
DATE JUN 13 2006
RECD. JUN 13 2006

Re: Docket No. 06-OII-1 – Statewide Guidelines for Reducing Wildlife Impacts from Wind Energy Development

Dear Commissioners Geesman and Pfannenstiel:

I am writing on behalf of Audubon California's nearly 60,000 members and the National Audubon Society's nearly half a million members to thank you for your leadership on renewable energy generally and your efforts to reduce its impacts on wildlife in particular. The guidelines process that you have initiated will be very helpful to educate and guide stakeholders, reduce conflicts between wind power and wildlife proponents, and facilitate wind power expansion without unacceptable or unnecessary impacts on birds and other wildlife. As in so many other areas of energy policy, we expect the guidelines to become a model for other states and countries as well.

The Draft Outline of Statewide Guidelines is a very good starting point and contains all the major issues that guidelines should address. We suggest a few specific additions and some general recommendations about process below.

1. The Process for Developing Guidelines Should be as Public and Inclusive as Possible.

We agree with CEERT's and others' comments that the success of these guidelines depends on a very public, inclusive process. To achieve that, we urge the Commission to hold workshops in several different regions of the State where wind power exists or is likely to be developed, including Solano, Kern, San Diego, Riverside and other counties. We also urge the Commission to hold in-depth public workshops on each of the major issues in the Draft Outline, including the following topics:

- Preliminary wildlife sensitivity/risk assessment, including adequacy of different types of data, basis for determining level of additional pre-siting studies needed, checklists for preliminary assessment, agencies and others to be included in preliminary determination, etc.;

- Pre-permitting studies, including methodologies, data sources, assessment of cumulative impacts of wind power in the region or migratory route;
- Incentives for early consultation and data-sharing with wildlife agencies and non-profit or other experts, access to sites and data, confidentiality agreements, etc.;
- Additional data sources and tools to be developed, updated, coordinated, etc. that would help move data ahead of the development curve;
- Impacts analysis, including cumulative impacts regionally and by migratory route, extrapolation methods, etc.;
- Post-construction monitoring and reporting, including guidelines for data and site access for wildlife agencies and other experts;
- Mitigation, on and offsite; and
- Guidelines review, updates and revisions.

2. The Department of Fish and Game's Full Participation is Critical to the Success of Guidelines Adoption and Implementation

Although counties are the land use permitting agencies in California, DFG's wildlife expertise is critical to both the development of guidelines and their successful implementation. Guidelines will help inform stakeholders and permitting agencies about wind power's impacts on wildlife and how to reduce and mitigate those impacts. To ensure that the guidelines adequately account for California's wildlife and wildlife protection laws, DFG must be fully and consistently involved in the guidelines.

We urge both agencies to take whatever steps necessary to ensure that DFG will be a full partner in this effort, and offer whatever assistance we can provide to secure the resources necessary for DFG's ongoing involvement. In addition to a cost-sharing agreement between the two agencies, we urge the two agencies to seek fees or other ongoing cost recovery mechanisms from project applicants to cover the costs of DFG's permit reviews and other consultations so that DFG will have the resources needed to provide timely and meaningful input not just in the guidelines development but their implementation.

3. The Guidelines Should Include Recommended Criteria for Independent Scientific Review.

The importance of credible, objective science cannot be overstated in this field. In order to site, operate and mitigate wind power to reduce its impact on wildlife, we need far better data about existing impacts, the effectiveness of various mitigation measures including different turbine options, the location and habits of wildlife in potential wind resource areas and many other issues. While industry-funded scientists play an important role in collecting and presenting data, review of that data must be conducted by qualified, independent scientific experts and committees.

As in any regulated industry, it is simply not appropriate for industry-funded researchers to participate on scientific review committees for specific projects or on peer review panels for

studies that will impact the industry as a whole. The guidelines for reducing wind power's impacts on wildlife should include recommended criteria for independent, scientific review committees such as the criteria agreed to for the third round of peer reviewers on the Smallwood-Thelander study of the Altamont Pass Wind Resource Area. Simple, easy to understand conflict of interest standards, such as lawyers, accountants and others are required to adhere to, would be a good starting point for the guidelines. The guidelines or an addendum to them could also provide a list of independent scientists, institutions or other experts that counties could turn to for independent scientific review and advice. Perhaps in the future, it would be worth exploring some sort of independent certification criteria or entity, but that is probably premature at this point.

Once again, we thank you for your leadership on this issue and look forward to working with the Commission to develop and help implement guidelines that ensure the successful expansion of wind power in California while protecting birds, bats and other wildlife.

Sincerely,

Julia A. Levin
State Policy Director

cc: The Honorable Ryan Broddrick, Director, DFG
The Honorable John McCamman, Chief Deputy Director, DFG